THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24064 OF 2004

DATED: 18-7-2007

Between:

Dasireddy Hanuma Reddy and others

.. Petitioners

and

Government of Andhra Pradesh, rep. by its Secretary, Irrigation (I & CAD), Secretariat, Saifabad, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24064 OF 2004

ORDER:

This writ petition is filed seeking a mandamus to direct the respondents to pay compensation to the petitioners in respect of the acquired land admeasuring Ac.1.19 gts. in Sy.No.191 (re-numbered as Sy.No.191/2 ABCD) situated at B. Annaram village, Miryalaguda Mandal, Nalgonda District, under the provisions of Land Acquisition Act (for short 'the Act').

The facts are not in dispute.

The facts, in brief, are that the father of the petitioners was the assignee of the land admeasuring Ac.4.04 gts. in Sy.No.191 (re-numbered as Sy.No.191/2 ABCD) situated at B. Annaram village of Miryalaguda Mandal, Nalgonda District. After his demise, the petitioners, being his legal heirs, succeeded to the said property. While so, out of the said land, an extent of Ac.1.19 gts. was acquired by the Government, by a notification under Section 4 (1) of the Act, dated 30.08.1997, for the purpose of laying road (in connection with Nagarjunasagar Project) by the Irrigation and Canal Area Development authorities. Advance possession of the said extent was taken on 16.05.1992. Now, the grievance of the petitioners is that, in spite of taking possession of their land and though it is stated in the award passed on 12.11.1999 that the said land is coming under acquisition, no compensation was paid to them.

On the other hand, the learned Government Pleader states that even in the notification under Section 4 (1) of the Act, dated 30.08.1997, the land in question was not included, though it was

recognized that the said land was coming within the acquired area. Therefore, in the award, dated 12.11.1999, though it was recorded that the land in Sy.No.191/2 ABCD, to an extent of Acs. 1.19 gts., of B. Annaram village, Miryalguda Mandal, is covered under acquisition, no compensation was granted since it is an assigned land, in respect of which only exgratia can be granted.

In view of the above, the only question that arises for consideration in this writ petition is as to whether the petitioners, who are the successors of the assigned land, are entitled for compensation as per the provisions of the Land Acquisition Act, along with others.

The question is no more *res integra*. The Larger Bench of this Court, in **LAO-cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyd. and others v. Mekala Pandu and others**[1], held that an assignee of the land is also entitled for compensation under the provisions of the Land Acquisition Act, along with others.

In view of the same, the petitioners are also entitled for compensation. Therefore, the respondents are hereby directed to pay compensation to the petitioners, under the provisions of the Land Acquisition Act, together with statutory benefits in respect of the land admeasuring Ac. 1.19 gts. in Sy.No.191 (renumbered as Sy.No.191/2 ABCD) situated at B. Annaram village, Miryalaguda Mandal, Nalgonda district, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is allowed. No costs.

C.V. RAMULU, J

18th July, 2007.
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[1] 2004 (2) ALD 451